UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,347	04/29/2004	John F. Poole	SYB/0108.00	3346

31779 7590 02/23/2007		EXAMINER	
JOHN A. SMART		SEYE, ABDOU K	
708 BLOSSOM HILL RD., #201			
LOS GATOS, CA 95032-3503		ART UNIT	PAPER NUMBER
		2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
	10/709,347	POOLE ET AL.
Office Action Summary	Examiner	Art Unit	
	Abdou Karim Seye	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *03/16/2005*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1. This is the initial office action based on the application filed on April 29, 2004.

Claims 1-40 are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 20 and 21-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 20 and 21 are non statutory.The claimed system and downloadable set of instructions are constructed of software program instructions.Thus, the claimed elements comprising of set of instructions, a database engine including procedure, a communication layer, an HTTP server, a request layer and presentation layer are considered as software program , per se (and not associated with any physical structure). See MPEP 2106.01 - I: "......computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other

claimed elements of a computer which permit the computer program's functionality to be

realized... ". Therefore, *dependent claims 22-40 are also affected by the same rejection.*

Appropriate change is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under
> section 122(b), by another filed in the United States before the invention by the applicant
> for patent or (2) a patent granted on an application for patent by another filed in the United
> States before the invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the effects for
> purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article
> 21(2) of such treaty in the English language.

4. Claims 1-8,10-15, 18-28, 30-35 and 38-40 are rejected under 35 U.S.C. 102 (e)

as being anticipated by **Dreyfus et al. (US 20060167829).**

Claims 1 and 21,<u>Dreyfus</u> teaches in a database system and method for providing a

stored procedure as a Web service, the method comprising:

predefining a stored procedure to be invoked upon receiving a client request for a

particular Web service (paragraph 93, 167, 175 and 208; paragraph 242);

receiving an incoming request from a particular client for the particular Web service

(fig. 3; paragraph 31;

in response to the incoming request, identifying the stored procedure that is

predefined for the particular Web service (paragraph 183; 128, 129);

executing the identified stored procedure for generating a result set (paragraph 242);

and

returning the result set back to the particular client (paragraph 236).

Claims 2 and 22, Dreyfus teaches,

wherein the incoming request is received by an HTTP server that is built into the

database system (paragraph 31, 185, 186 and 187; paragraph 207; HTTP protocol is

used to access Oracle database and Microsoft SQL servers).The database servers

elements "oracle", "Microsoft SQL" and the element "web server" of Dreyfus's

reference meet the claimed limitation of the claim.

Claims 3 and 23, Dreyfus further teaches,

upon receiving the incoming request, verifying that the request comprises a valid

HTTP request for a Web service (paragraph 153; validity date of a document

associated with enabling a client request) .

Claims 4 and 24, Dreyfus teaches,

wherein client requests employ HTTP protocol (paragraph 29 and 181); the elements

"internet protocol" and "IP protocol" of <u>Dreyfus</u> reference meet the claimed limitation of

the claim.

Claims 5 and 25, <u>Dreyfus</u> further teaches ,

wherein client requests specify a selected one of XML, SOAP, WSDL, and raw format

(paragraph 98, 108, 110 and 237).

Claims 6 and 26, <u>Dreyfus</u> teaches,

 wherein said returning step comprise:

formatting the result set into a particular presentation format (paragraph 237); and

thereafter returning the formatted result set back to the particular client (paragraph

236).

Claims 7 and 27, <u>Dreyfus</u> teaches,

wherein said executing step further comprises:

creating a temporary pseudo connection to a database engine of the database

 system; and executing the stored procedure through said temporary pseudo

connection (paragraph 261 and 233).

Claims 8 and 28, <u>Dreyfus</u> teaches ,

wherein the incoming request comprises a URL (paragraph 18; addressing servers

using IP address and domain name).

Claims 10 and 30, Dreyfus teaches,

wherein the identified stored procedure may include any valid SQL statement

(paragraph 266).

Claims 11 and 31, Dreyfus teaches,

wherein the identified stored procedure itself may invoke other stored procedures

(paragraph 236).

Claims 12 and 32, Dreyfus teaches ,

wherein execution of the identified stored procedure occurs asynchronously with

respect to the incoming request (paragraph 251).

Claims 13 and 33, Dreyfus teaches,

wherein the identified stored procedure selects data from a database, and wherein the

result set returned to the particular client comprises that data formatted in a manner

suitable for return via HTTP protocol (paragraph 237; paragraph 153; HTML format

data). The claimed element "HTML format data" of Dreyfus reference meets the

claimed limitation of the claim.

Claims 14 and 34, <u>Dreyfus</u> further teaches,

wherein the data is formatted for return as XML-formatted data (paragraph 237).

Claims 15 and 35, <u>Dreyfus</u> further teaches,

wherein the result set comprises a plurality of database rows, and wherein the XML-formatted data comprises said plurality of database rows delimited with XML row tags (paragraph 237; Excel spreadsheet). The element "Excel" of Dreyfus's reference meets the claimed limitation of the claim.

Claims 18 and 38, <u>Dreyfus</u> teaches,

wherein the system first checks user authentication for the particular client before executing the identified stored procedure (paragraph 68).

As per claim 19 and 20, they are rejected for the same reasons as claim 1 above
As per claim 39 and 40, they are rejected for the same reasons as the claims above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 9, 16-17, 29 and 36-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Dreyfus et al. (US 20060167829)** in view of Smith et al. **(US 7013469).**

Claim 9, 16-17, 29 and 36-37 <u>Dreyfus</u> teaches a mode of URL including addressing servers by the use of IP addressing and domain name as in claim 8 above, but he does explicitly teach,

wherein the URL includes parameter information affecting how the identified stored procedure is executed; wherein the identified stored procedure itself may set HTTP header information that is returned to the particular client; wherein the incoming request is received via a selected one of HTTP, FTP, and telnet protocol.

However, in the same field of endeavor, <u>Smith</u> discloses a web application service executed on a .NET platform created by Microsoft and including a common language specification layer that can support application written in a variety of languages such as C++, Jscript and so on for processing access to data stored in database servers (abstract),

wherein the URL includes parameter information affecting how the identified stored procedure is executed (col. 27, lines 30-36; URL input parameter for a "getobject " function in "Jscript " wherein the the URL is a known object that could be the

procedure name identifier);wherein the identified stored procedure itself may set HTTP

header information that is returned to the particular client (col. 773, lines 36-67);

wherein the incoming request is received via a selected one of HTTP, FTP, and telnet

protocol (col. 773, lines 36-67).It would be obvious to one having ordinary skill in the art

at the time the invention was made to modify Dreyfus's invention with Smith's invention

in order to provide an intelligent and efficient interactive experience to client accessing

web sevices, and a robust and secure execution environment. One would have been

motivated to name a procedure name , set a header of an HTTP request for

information in order to support preauthentication of modules that would allow clients to

improve server efficiency by avoiding extra round trips caused by authentication

challenges.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to the

applicant's disclosure.

Brandt et al (6125384) discloses a computer apparatus and method for

communicating between software applications and computers on the world-wide web.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Exr. Abdou Seye whose telephone number is (571)

270-1062. The examiner can normally be reached Monday through Friday from 7:30

a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact

the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone

number for formal or official faxes to Technology Center 3600 is (571) 273-8300.

Draft or informal faxes, which will not be entered in the application, may be

submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group Receptionist whose telephone

number is (571) 272-3600.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

AKS
February 12, 2007

William Thomson
Supervisory Patent Examiner